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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,316	06/24/2003	John G. Bauer	TRW(AP)6380	1953

7590 06/06/2005
TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
1111 LEADER BLDG.
526 SUPERIOR AVENUE
CLEVELAND, OH 44114-1400

EXAMINER

ILAN, RUTH

ART UNIT PAPER NUMBER

3616

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/602,316	BAUER ET AL.	
	Examiner	Art Unit	
	Ruth Ilan	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 9, the word "means" in line 10 is used, and seems to be an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-7 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida (US 6,786,505 B2.) Yoshida teaches an apparatus for helping to

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protect an occupant of a vehicle including an inflatable device (10) that is inflatable away from a vehicle surface (IP) including at least one vent (17), an inflation fluid source (5), and the at least one vent (17) is positioned against a vehicle surface (IP- see Figure 3a) when the air bag is in the inflated position to help block inflation fluid from moving through the vent (see Figures 3a-3d and col. 6, lines 23-30.) Regarding claim 4, the vent releases inflation fluid when the air bag is obstructed (see Figure 4 and col. 7, lines 3-20.) Also taught is a housing with an opening (3) and the vehicle surface surrounds the opening. Regarding claim 6, a plurality of vents is disclosed about the opening. Regarding claims 9 and 10, for those elements not previously discussed, Yoshida teaches means (19) for helping to block, which when spaced from the instrument panel release the inflation fluid. Regarding claim 11, as seen in Figure 1, the vents are spaced about the throat. Regarding claim 12, the vents are adapted to open when the air bag is moved from the deployed position, since the instrument panel will no longer be blocking the vent.

5. Claims 1-5, 7, 11 and 12 are rejected under 35 U.S.C. 102(a) as being anticipated by Fischer (DE 10146493 A1.) Fischer teaches (Figure 1 and attached English language abstract) an apparatus for helping to protect an occupant of a vehicle including an inflatable device (12) that is inflatable away from a vehicle surface (9) including at least one vent (15), an inflation fluid source (1), and the at least one vent (17) is positioned against a vehicle surface (9- see abstract and Figures 1 and 2) when the air bag is in the inflated position to help block inflation fluid from moving through the vent. Regarding claim 3, as seen in Figure 2, the vent is moveable into engagement

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with the vehicle surface, when the vehicle occupant engages the bag, since the bag is located between the vehicle vent and the occupant, and so impact would push the bag against the instrument panel. Regarding claim 4, the vent releases inflation fluid when the air bag is obstructed (see abstract and Figure 3 or 4.) Also taught is a housing (4) with an opening 6 and the vehicle surface surrounds the opening. Regarding claim 7, the vehicle surface is the instrument panel and regarding claim 11, the vent is spaced "about" the throat, since "about" can reasonably be interpreted broadly to mean near (see merriamwebster.com) Regarding claim 12, the vent is adapted to open when the air bag is moved from the deployed position.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claims 1, 2, 4-6, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (JP 2000-16228 A) in view of Yoshida (US 6,786,505 B2.) Fukuda et al. teaches a plurality of vents including means for blocking (see Figure 5, 44a or 44b) spaced about the throat and the opening of the housing, and that such an airbag is used in a steering wheel. Yoshida is discussed above, and teaches that it is known to position the means for blocking, and the vents of an air bag apparatus against a vehicle surface (IP- see Figure 3a) when the air bag is in the inflated position to help block inflation fluid from moving through the vent (see Figures 3a-3d and col. 6, lines 23-30) and as such allow the use of a low output inflator (see col. 1, and throughout) and to release the fluid when the air bag is obstructed by an out of position occupant, so as to minimize danger to the out of position occupant caused by too firm impact with a highly pressurized air bag (see Figure 4 and col. 7, lines 3-20) Regarding claim 12, the vents of Yoshida et al. are adapted to open when the air bag is moved from the deployed position, since the instrument panel will no longer be blocking the vent. It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Yoshida et al., that of tailoring the internal pressure of the airbag based on the position of the occupant by blocking or allowing the escape of gas, to the steering wheel air bag of Fukuda et al., in order to allow the use of a lower output inflator, and to maximize the safety of the occupant.

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rasch et al., Tajima et al., Okada, Ikawa, and Tonooka teach vent hole placement of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.

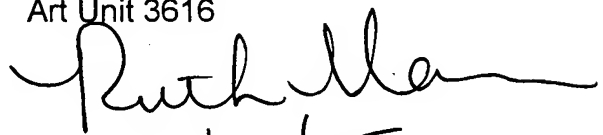
The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RI
5/31/05

Ruth Ilan
Primary Examiner
Art Unit 3616



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